Supporting Monitoring Officers

Summary of Research

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Background to Research

The Standards Board for England commissioned Teesside Business School to conduct a research project looking at the role of English local authority Monitoring Officers, which has altered considerably since the role was created in the *Local Government and Housing Act 1989*, especially with the impact of the *Local Government Act 2000*.

The aim of the research was therefore to identify what support mechanisms exist for MOs and assess how effective these are. In addition the project had 10 further research objectives.

1. To develop a profile of local authority Monitoring Officers in terms of age, education and training, local authority experience, and Monitoring Officer experience.

2. To identify the extent to which Monitoring Officers have been trained specifically for the role, and the perceived usefulness of this training.

3. To identify what duties Monitoring Officers carry out as part of their job, and analyse these duties in terms of how important Monitoring Officers think each task is in relation to the length of time each Monitoring Officer spends performing it.

4. To identify the key knowledge, skills and other attributes (KSAs) that are needed to successfully undertake the Monitoring Officer role.

6. To assess the levels of support that exist within the Monitoring Officer's own local authority.

7. To determine the levels of existing support within local authorities in terms of resources, such as number of support staff and Deputy Monitoring Officers.

8. To assess the impact of the *Local Government Act 2000* on Monitoring Officer workload and to investigate ways in which Monitoring Officers are coping with the new ethical frameworks of local authorities.

9. To assess the nature of Monitoring Officer relationships with Standards Committees

10. To evaluate the nature of Monitoring Officer relationships with the Standards Board.

Methodology

The research methodology comprised three distinct phases: a development centre, a national postal survey and case studies.

The development centre was run on October 1st, 2003 at the University of Teesside. 5 Monitoring Officers were involved from various local authorities in the North East, all of whom had been in their posts for at least 5 years. To facilitate the development centre, critical incidents were identified in advance through a series of half-hour telephone interviews with each participant, which were used to develop various exercises (case study, pilot survey). The critical incidents also informed open-question discussions on the role of the Monitoring Officer and their relationship with the Standards Board for England.

The findings from the development centre were used to inform the postal survey, which was sent to 475 Monitoring Officers in all local authorities (councils, police authorities, fire authorities, etc.). 244 surveys were returned, a response rate of 51.4%. The survey addressed a number of key objectives including Monitoring Officers' roles and responsibilities; Monitoring Officers' relationships with Standards Committees and the Standards Board for England; and, the knowledge, skills and attitudes that are appropriate for the role of Monitoring Officer. Of the 244 respondents, 70 offered to help with the case studies.

Seven case study authorities were selected according to a number of criteria: type of authority; geography; experience of Monitoring Officer; perceived levels of status and seniority within the authority; and, whether or not the Monitoring Officers had indicated any significant problems. The cases typically consisted of semi-structured interviews with key stakeholders within the authority: Monitoring Officer, Deputy Monitoring Officer; Chief Executive; Chief Finance Officer; Leader of the Council; Chair of Standards Committee; Independent Member of Standards Committee; Head of Internal Audit. Standards Committee meetings were observed, and agendas and minutes from Standards Committee meetings in each authority were analysed.

Key conclusions

The research showed that Monitoring Officers rely on a broad spectrum of support both externally (the Standards Board; local networks, etc) and internally (from the Chief Executive; Members; the Standards Committee, etc). The research also showed that Monitoring Officers are generally valued within their authority, and perceive themselves to have high status and appropriate levels of support. They also generally have a very good relationship with key stakeholders and organisations:

1. The research has shown that the profile of Monitoring Officers is fairly uniform across England:

    - 97% of respondents classify themselves as White British
    - 73.4% of respondents are male
    - 87.7% of respondents are aged 41 years or over

- 74.2% of respondents have passed Law Society Finals
- 716% of respondents were working for their current authority when they were appointed as Monitoring Officer
- 69.5% have worked for their current authority for more than 5 years.

2. Despite this uniformity, the research revealed significant diversity within the Monitoring Officer experience, in terms of both form (i.e. how the Monitoring Officer approaches the role) and content (i.e. what roles the Monitoring Officer performs, the levels and types of support that MOs receive). This diversity is illustrated in the following typology of Monitoring Officers that reveals four basic approaches to the Monitoring Officer role:

- *Ethics Enthusiast* – perceives the ethical agenda in terms of broader ethical governance, has high levels of organisational support and has high status within the authority. The ethics enthusiast is proactive in wanting to take the ethical agenda forward.

- *Ethics Pragmatist* – perceives the ethical agenda as crucial and has high levels of organisational and fairly high status within the authority but is more reactive to any specific problems that may occur.

- *Ethics Delegator* – regards the ethical agenda as important but is unable to commit large amounts of time to his/her Monitoring Officer duties.

- *Isolated Ethicist* – understands the importance of the ethical agenda, but has little support to deal with a range of problems which means that he/she is unable to fully promote ethics within the authority. Often has low status.

3. The majority of Monitoring Officers perceive their role primarily as an advisor to various stakeholders within the authority: Standards Committee; Members; Chief Officers; Chief Executive. As such the Monitoring Officer role is generally perceived of in terms of informal discussions rather than more formal statutory functions. Other roles such as training, investigations, and reporting under Section 5 of the Local Government Act 1989 were seen as less important. Dealing with Parish Councils was considered very time consuming though less important than other duties.

4. There is a general consensus among Monitoring Officers (and other authority stakeholders) that prevention is better than cure in terms of ethics, and that the greater the Monitoring Officer's involvement in decision making, the less likely that any difficulties would arise later.

5. Monitoring Officers consider the most useful way to be involved in decision making is to sit on the authority's Corporate Management Team. The research showed that 36.2% of Monitoring Officers currently do not sit on their authority's CMT in their Monitoring Officer capacity, and there was a clear and consistent correlation between levels of dissatisfaction among Monitoring Officers (in terms of status and support) and their absence from CMT. This statistical link was reinforced by the case studies.

6. Monitoring Officers are generally highly skilled and have a range of experience but, despite this, many Monitoring Officers are worried about the increasing diversity of roles that they are expected to carry out.

7. Monitoring Officers rated ethical awareness, written communication and political sensitivity as the most important knowledge/skills/attributes (KSAs) to successfully carry out the role of Monitoring Officer. These were rated above KSAs such as legal expertise and local authority experience, which are closely aligned to the general Monitoring Officer profile.

8. There is concern over the investigative role that is entailed by Section 66 regulations due to potential conflicts of interest arising from the advisory nature of the Monitoring Officer role, and also because there is a perceived training gap in investigative skills.

9. There is also a perceived skills gap in terms of Monitoring Officer training skills, which were placed among the bottom three KSAs in terms of both general importance and personal strengths.

10. 84.7% of Monitoring Officers felt that formal training was needed for the role of Monitoring Officer, and a range of informal mechanisms were identified, which had clearly bolstered MO training needs.

11. There is also great diversity among the experiences of Deputy Monitoring Officers throughout local authorities. Some Deputy Monitoring Officers are the principal legal advisor to the local authority (including advising the Standards Committee), whereas others are the main investigatory officer within the local authority. Many Deputy Monitoring Officers are rarely, if ever, asked to perform any Monitoring Officer duties.

12. There was clear concern among Deputy Monitoring Officers about ambiguous nature of their role, and the felt that greater clarity is needed over what their duties should be, particularly in relation to Section 66 regulations which allows for the appointment of deputy investigators who may or may not be the Deputy Monitoring Officer. A range of stakeholders also expressed discomfort at the lack of statutory protection afforded to Deputy Monitoring Officers, especially as many of them lack the legal expertise that most Monitoring Officers possess.

13. Monitoring Officers' relationships with Standards Committees are extremely positive. 91% of survey respondents have a good relationship with their Standards Committee and only a small number have experienced any significant difficulties with members of their committee.

14. There is great diversity among the history, perceptions, experiences, leadership and composition of local authority Standards Committees. Many Standards Committees regarded themselves as key players in the ethical agenda, while others perceived their role as purely reactive, and were waiting for local determinations to occur.

15. Although some are extremely proactive, most Standard Committee members generally do not have the time or expertise to currently engage in promoting the wider ethical agenda. Yet at the same time, members of Standards Committees were commonly struggling for things to do and are usually highly reliant on the leadership of the Monitoring Officer for information, procedural guidance and so on.

16. 68.3% of Standards Committees have an Independent Chair, and the overall independent nature of the committee was viewed as very important, especially in the case study authorities. In the cases where there was no Independent Chair, the Independent Members often had a different perception of ethical issues to other members, particularly during local determinations. The importance of independence can raise the problem of recruitment, however, and some authorities have had few applicants for the independent positions on their Standards Committee. In addition there is generally low public awareness over the role of the Standards Committee although where public awareness exists it is generally very positive.

17. In the survey, dealing with Parish Councils was ranked by Monitoring Officers as the fourth most time consuming role but only twelfth in terms of general importance. This indicates strongly that many Monitoring Officers spend more time than they think necessary on dealing with Parish Councils. It may also be noted that Parish Councils are the single biggest cause of complaint to the Standards Board for England, and consistently account for about 50% of all complaints received.

18. Problems with Parishes must be kept in perspective, however, as the vast majority experience no real problems. What the research showed, however, is that many Parishes have very minor and general concerns about which they regularly contact the Monitoring Officer thus taking up much of his or her time. These issues could probably be dealt with through training and increased communication. One example of good practice that was highlighted in the case studies was regular meetings with Parish Clerks, which had cut down general enquiries (although it had not eliminated them). Other mechanisms may include Parish Networks, or Parish Forums, in which Clerks and Members could discuss their problems and learn from each other's experiences.

19. The biggest problems for Monitoring Officers tend to arise from a very small number of Parish Councils. During the case investigations we found that even in Districts with a large volume of Parishes, it was usually only one or two parishes that are the cause of complaints and allegations. Unfortunately the problems in these parishes seem endemic, and in many cases stretch back along generational lines and it is highly likely that the same issues will arise continually. Such problems need to be addressed as quickly as possible.

20. Both the survey and the case study research indicated that Monitoring Officers and other stakeholders value the work of the Standards Board for England. 70.2% of survey respondents rated the Standards Board for England's legal advice as 'good' and the Standards Board is regarded as giving the ethical agenda gravitas.

21. There were some issues raised against the Standards Board, however, particularly during the case study research. A common concern in the case study authorities was that there was not enough local government experience in front line members of staff.

Recommendations

1. The Standards Board for England needs to recognise the diversity among Monitoring Officers in terms of roles, perceptions and experiences and treats them accordingly. A one-size-fits-all policy of central support will not adequately reflect the multifarious support needs of MOs.

2. As a matter of best practice the Monitoring Officer should sit on his/her authority's Corporate Management Team.

3. Greater clarity is needed over the investigatory duties of Monitoring Officers under Section 66. More specific provision should be made to facilitate external investigations as conflicts of interest will mean that in the vast majority of cases Monitoring Officers will be unable to carry out local investigations.

4. Specific training should be developed to address key skills shortages, particularly investigation skills and training skills. This could be done independently, or as part of a more holistic training package that includes the range of Monitoring Officer responsibilities and duties.

5. Monitoring Officers and other stakeholders recognise that ethics is strongly linked to behaviour and organisational culture and as such it will be useful to consider Human Resource Management techniques, addressing behavioural issues, along with the training in compliance with the code of conduct.

6. Greater clarity is required for Deputy Monitoring Officers in terms of roles and responsibilities, particularly in terms of distinctions with deputy investigators under section 66 regulations.

7. Deputy Monitoring Officers need clear statutory protection when acting in their Monitoring Officer capacity. Specific training should be available to Deputy Monitoring Officers if they require any.

8. Standards Committees need proactive guidance and encouragement to take on the mantle of ethical champions within an authority. Currently they are reliant on the Monitoring Officer for leadership and lack the expertise (and often the time) to push the ethical agenda forward. The Standards Board should continue its good work in encouraging the Standards Committee to take the lead in many issues, and thus take pressure off Monitoring Officers.

9. Standards Committee members may therefore require specific training in order to move away from a focus on local determinations and procedural issues to a broader understanding of their potential role.

10. The Standards Board for England could work more closely with Monitoring Officers and local Standards Committees to ensure that members are trained to an adequate level. Too many Monitoring Officers reported that the take-up for training had not been very high and that as a result many members have missed out on many elements of the ethical framework.

11. The independent nature of the Standards Committee is valued by a range of stakeholders and it may be best practice to encourage all committees to have an Independent Chair, as long as they have the requisite knowledge and expertise.

12. Standards Committees reported more problems when a member of the Executive was also a member of the committee. It may be a case of best practice that Cabinet members are discouraged from membership of their Standards Committee.

13. Parish Councils need to be more actively involved in the ethical agenda, whether through extra meetings with the Monitoring Officer, Parish Council forums, or general networking. It is clear that the majority of Parishes do not face major problems but have general concerns, and these could be dealt with effectively without constant recourse to the Monitoring Officer.

14. The Standards Board should identify and monitor Parishes which consistently and frequently raise allegations and complaints to ease pressure on the Monitoring Officer (and local authority's) time and resources. The Standards Board may well feel it necessary to visit these Parishes directly and address all their problems in a face-to-face meeting, which could be combined with some training for Parish members.

15. The Standards Board should try to incorporate more local government experience in front-line members of staff.

16. The Standards Board should investigate, with government, ways of ensuring that partnership bodies are held accountable for standards and ethical conduct as concerns were raised on several occasions over arrangements with such bodies, especially in terms of transparency.